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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,653	05/28/1999	KIM L. RICHARDSON	6279.002/DHE	8325
7590 10/05/2005				
DOUGLAS H. ELLIOTT		EXAMINER		
3015 DUKE STREET		RIMELL, SAMUEL G		
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HOUSTON, TX 77005-3409		ART UNIT PAPER NUMBER		
		2165		

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/322,653

Applicant(s)

RICHARDSON, KIM L.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Response to Restriction Requirement: In the office action of June 15, 2005, examiner applied a restriction requirement between Group I (claims 24, 25, 29 and 31-34) and Group II (claims 35-39). Applicant made an election with traverse, electing Group II, claims 35-39. Applicant traverses the election by arguing that each of the independent claims of Group I are generic, and thus would not represent a distinct species of invention. This argument is not correct. None of the independent claims of Group I are generic with respect to the remaining claims. For example, claim 24 includes a limitation in which an editing password is supplied to an individual associated with the deceased person whereas claim 35 calls for the editing password to be supplied to the sponsors of the on-line memorial. Claim 25 requires a web page of condolences whereas claim 35 does not require a condolences page. Claim 29 allows for a second template in which password access is not required, whereas claim 35 requires password access to the template pages. None of claims 24, 25 and 29 are generic to the claims of the second group, and in fact represent a species of invention separate from the second group. Accordingly, the election requirement is sustained and made final.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angels Online in view of Freishtat et al. (U.S. Patent 5,945,989).

The reference entitled "Angels Online" is a set of screen shots from an operating website located on the Internet at the address www.angelsonline.com. The reference relied upon is

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defined by 11 screen shots, with each screen shot page being numbered in the lower right hand corner of the page. Page 1 indicates a copyright date of 1997, and page 2 indicates operation of the website prior to March 1998. Accordingly, the pages which are relied upon constitute applicable prior art.

Claim 35: The Angels Online website is a website inherently hosted by a server and includes a main website page (page 1) and a plurality of memorial sites (page 9, 10 and 11). Multiple template pages are available (pages 5-7) that generate and publish an online memorial within the site. The published information may include a history of the deceased person (page 11).

Angels Online differs from claim 35 in that it does not disclose a first password for accessing the templates and an editing password for editing the on-line memorial. Freishtat discloses a password necessary to access an application generator (FIG. 4) which correlates to a password to access template pages to build an application, and a pin number to access specifically designated web pages (FIG. 7) which correlates to an editing password that permits access to specific web pages but not other web pages.

It would have been obvious to one of ordinary skill in the art to modify Angel Online to include template passwords and editing passwords to protect the site from unauthorized access and alteration as taught by Freishtat.

Claim 36: Page 9 and 11, at their lower portions, illustrate the entry of condolences on the memorial pages.

Claim 37: Angels Online provides information about the deceased and condolences. Providing additional information about the services provided by the funeral home or funeral

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services is additional non-functional descriptive material in relation to the website, and would have been obvious to one of ordinary skill in the art as a choice of design (*In re Gulack* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983)).

Claim 38: The Angels Online website is accessible over the Internet and thus is accessible via a browser. The editing password of FIG 7 of Freishtat teaches that specific pages can be accessed and the designation of accessible pages can be changed.

Claim 39: See remarks for claim 35. The editing password is the password taught in FIG. 7 of Freishtat while the confidential passwords corresponds to the pin numbers taught in FIG. 4 of Freishtat. Multiple pin numbers may exist. Each "level" correlates to each individual granted a pin number.

Remarks

Applicant's arguments of August 9, 2004 have been considered. Applicant argues that Angels Online is a static website and that there is no teaching to use passwords on that site. Both of these arguments are not correct. First of all, Angels Online is not a static website by reason that it includes template pages (pages 5-7) to build new additional sites. Secondly, Freishtat teaches that websites can be controlled by various types of passwords. This reference has a nexus to Angels Online in that Angels Online is also a website. The teachings of Freishtat are applicable to the Angels Online website.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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